

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**KIMBERLY HENRY, on behalf of herself
and all others similarly situated,**

Plaintiff,

v.

Case No. 3:17-cv-01789

OCWEN LOAN SERVICING, LLC,

Defendant.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

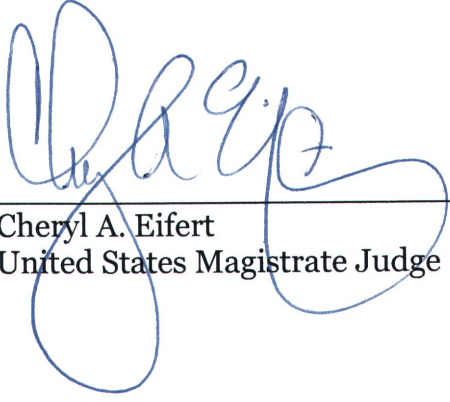
Pending before the Court is Plaintiff's Motion and Integrated Memorandum of Law to File her Motion to Compel Under Seal (ECF No. 118), requesting the attached Motion to Compel Discovery and Memorandum in Support of Plaintiff's Motion to Compel Discovery be filed under seal. Plaintiff argues that the Motion to Compel Discovery and Memorandum in Support of the Motion to Compel Discovery contain documents which have been properly designated as confidential pursuant to a protective order.

Given that Plaintiff's Motion to Compel and Memorandum in Support of the Motion to Compel is not a dispositive motion, and given that objections to the confidential designation of the documents have not been addressed by the Court and the parties, the Court **GRANTS** the Motion to Seal and **ORDERS** that Plaintiff's Motion to Compel Discovery and Plaintiff's Memorandum of Law in Support of Plaintiff's Motion to Compel Discovery be filed as sealed. (ECF Nos. 118-1 and 118-2). The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of

public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Plaintiff's Motion to Compel Discovery and Memorandum in Support shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the confidential nature of the information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the public's right to be informed regarding the particulars of a discovery motion is outweighed by the interest of the parties to be protected in this circumstance. Accordingly, the Court finds that sealing Plaintiff's Motion to Compel Discovery and Memorandum in Support of Plaintiff's Motion to Compel Discovery does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to all counsel of record and to any unrepresented party.

ENTERED: May 21, 2018



Cheryl A. Eifert
United States Magistrate Judge